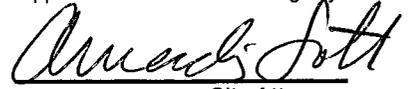


FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 86532 C.M.S.

Introduced by Councilmember _____

RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THREE HUNDRED TWELVE THOUSAND AND TWO HUNDRED AND FORTY-ONE DOLLARS (\$312,241) FROM THE U.S. DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE (USDOJ/NIJ) FOR IMPLEMENTATION OF THE FISCAL YEAR 2016 FORENSIC CASEWORK DEOXYRIBONUCLEIC ACID (DNA) BACKLOG REDUCTION GRANT PROGRAM IN THE OAKLAND POLICE DEPARTMENT; AND 2) WAIVING THE ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASE OF DNA TYPING SUPPLIES FROM TWO COMPANIES: (1) PROMEGA FOR THIRTY-FOUR THOUSAND TWO HUNDRED TWENTY-FOUR DOLLARS (\$34,224), AND (2) QIAGEN FOR ONE THOUSAND FIVE HUNDRED EIGHT-SEVEN DOLLARS (\$1,587).

WHEREAS, the advent of Deoxyribonucleic Acid (DNA) technology and automation equipment has revolutionized law enforcement's ability to analyze biological evidence at a genetic level; and

WHEREAS, the DNA analysis of semen evidence encountered in sexual assault cases can provide information leading to arrest and prosecution; and

WHEREAS, Oakland Police Department (OPD) Criminalists conduct analysis on sexual assault evidence and produce reports to the investigators within 20 business days of the receipt of the kit in the laboratory; and

WHEREAS, the DNA Forensic Casework Backlog Program was created by the U.S. Department of Justice, National Institute of Justice (USDOJ/NIJ) to assist laboratories that conduct DNA analysis with a goal of improving DNA laboratory infrastructure and analysis capacity so that DNA samples can be processed efficiently and effectively; and

WHEREAS, grant funds in an amount not to exceed \$312,241 were awarded by USDOJ/NIJ to the Oakland Police Department (OPD) to its Fiscal Year 2016

implementation of the DNA Backlog Reduction Program; and

WHEREAS, the DNA Backlog Reduction Program was created to assist laboratories in reducing the number of cases in their backlog in which DNA analyses may be conducted on biological evidence; and

WHEREAS, the funds will be allocated to continue to employ one (1) Criminalist I and one (1) Forensic Technician, staff required training, and purchase laboratory validated DNA typing reagents; and

WHEREAS, Central Service Overhead (CSO) costs, in the amount of \$23,195 (15.36 percent), are not permitted by the grantor thus requiring the City to contribute \$23,195 from the General Purpose Fund; and

WHEREAS, the OPD Criminalistics Division also plans to use \$34,224.53 in USDOJ/NIJ DNA Backlog Reduction Program grant funds to purchase needed DNA reagent typing supplies; and

WHEREAS, the OPD Criminalistics Division must use reagent typing supplies from particular vendors have undergone rigorous validation studies and are currently used by the OPD Crime Laboratory because purchasing DNA supplies from vendors other than those who manufacture DNA kits would not be acceptable as the OPD Forensic Biology Unit has not validated their use and hence would violate the Federal Bureau of Investigation (FBI) DNA Quality Assurance Standards (QAS); and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.050.1.5 authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, the grant term for the proposed initiative is January 1, 2017 through December 31, 2018; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 85899 C.M.S., dated November 17, 2015, Resolution No. 85223 C.M.S., dated October 21, 2014, Resolution No. 84686 C.M.S., dated November 5, 2013, Resolution No. 84041 C.M.S., dated October 2, 2012; Resolution No. 83672 C.M.S., dated December 15, 2011; Resolution No. 83030 C.M.S., dated October 19, 2010; Resolution No. 82291 C.M.S., dated September 22, 2009; Resolution No. 81624 C.M.S., dated October 21, 2008; Resolution No.80869 C.M.S., dated October 2, 2007; Resolution No. 80129 C.M.S., dated September 19, 2006; Resolution No. 79534 C.M.S., dated October 18, 2005 and Resolution No. 78909 C.M.S., dated November 16, 2004; and

WHEREAS, staff recommends that the City Council make a finding and a

determination that it is in the best interests of the City to waive advertising and bidding processes because purchasing DNA supplies from vendors other than those who manufacture DNA kits currently used by the Crime Laboratory would not be effective as other DNA supplies from other vendors have not been validated for use; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to accept and appropriate grant funds in an amount not to exceed \$312,241 from the USDOJ/NIJ and to increase revenues and appropriate said budget to OPD; and be it

FURTHER RESOLVED: That the General Fund contributes \$23,195 to cover Central Services Overhead costs (15.36%); and be it

FURTHER RESOLVED: That said grant funds, in an amount not to exceed \$312,241, shall be appropriated in the Federal Grant Fund (2112), Criminalistics Division Org. (102610), Criminalistics Division Program (PS05), in a Project Number to be established; and be it

FURTHER RESOLVED: That said grant funds shall be used to fully fund one (1) Criminalist I position and one (1) Forensic Technician position to conduct examination of biological material during the term of the grant; and be it

FURTHER RESOLVED: That said grant funds shall be used to fund DNA training courses, and purchase laboratory validated DNA typing reagents utilized in the examination of biological material; and be it

FURTHER RESOLVED: That the City Council finds and determines that pursuant to OMC Section 2.04.050.1.5 and based upon the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC for the purchases of DNA typing supplies from QIAgen for \$1,587 and Promega for \$34,224; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to complete all required negotiations, certifications, assurances, agreements and documentation required to accept, modify, extend and/or amend the grant award; and be it

FURTHER RESOLVED: That any agreement authorized by this resolution shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution, and a copy shall be placed on file with the City Clerk.

DEC 13 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: LaTonda Simmons
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California